

**NATURE AND JUSTIFICATION
FOR
PHASE II BLACK BIRCH ALTERNATIVE PRD**

April 24, 2017

Alternative Planned Residential Developments (Alternate PRD) are permitted in the LIP District only and are subject to approval by a 2/3 vote of Town Meeting and the issuance of a Special Permit from the Board of Appeals. In 2015 Town Meeting and the Board of Appeals approved the first phase of Black Birch which consisted of a 25-unit age 55 or older Alternative PRD on 15.57 acres off Forest Ridge Road.

In accordance with Section 10.3.4 of the Zoning Bylaw the 2017 Annual Town Meeting voted under Article 42 to approve the Phase II Black Birch Alternative PRD Preliminary Site Development and Use Proposal for Lot 4A and Parcel A Forest Ridge Road dated September 12, 2016 revised December 20, 2016 as amended as set forth in an amendment dated March 14, 2017 entitled "Provision of Additional Common Open Space and Amendment of Related Provisions" (herein the "Phase II Black Birch Development Statement). The 2017 Town Meeting approval of the Phase II Black Birch Development Statement was based on the following conditions:

1. The maximum number of units shall not exceed sixteen (16) units and each unit shall be occupied by at least one individual who is fifty-five (55) years or older.
2. The Common Open Space shall not be less than 6.6 acres, 5.40± acres of which shall be donated to the Town and the balance of which, consisting of not less than 1.20± acres within Lot 4A, shall be owned and used in accordance with terms and conditions established by the Board of Appeals.
3. Two (2) of the 16 units shall be deed-restricted in perpetuity to maintain their affordability and sold to a person(s) earning not more than 80 percent AMI under terms and conditions established by the Board of Appeals.

Support for Phase II at Town Meeting and elsewhere is based on the following benefits:

- 16 Units of Age-Restricted Housing (No School impacts)
- Higher Property Tax Revenues to the Town than Alternatives
- 2 Affordable Units which will count in Town's Inventory
- 5.4 Acres of Open Space Dedicated to the Town
- Very Low Traffic Impacts versus Alternative Land Uses

This application seeks a Special Permit under Section 10.3.4 from the Board of Appeals for Phase II of Black Birch consisting of a 16-unit age 55 or older Alternative PRD on Lot 4A and Parcel A containing a total of 11.19 acres off Forest Ridge Road (see attached Locus Plan of Lot 4A and Parcel A) based upon the following:

1. The Phase II Black Birch plans and specifications are consistent with the Phase II Black Birch Development Statement approved by the 2017 Annual Town Meeting under Article 42.
2. Lot 4A's frontage consisting of 246.28 feet meets the LIP requirements (minimum required 50 feet), the proposed height of the units will be significantly less than permitted (maximum permitted 40 feet but not more than three stories) and the Common Open Space will equal not less than 6.6 acres or 59% of the Alternative PRD (minimum required 50%).
3. The minimum front yard, side yard and rear yard of the PRD are proposed to be 20 feet which may be authorized by the Board under Section 6.3.4 of the Zoning Bylaw as noted below.
4. The maximum gross floor area on Lot 4A is proposed to be increased from 17,370 square feet of gross floor area (5.79 acres x 3,000 SF/acres = 17,370) to 33,570 square feet of gross floor area (5.79 acres + 5.40 acres x 3,000 SF/acre = 33,570) which may be authorized by the Board under Section 6.3.4 of the Zoning Bylaw as noted below.

In addition to approval under Section 10.3.4 for Phase II of Black Birch this application is also based upon obtaining the Board's approval pursuant to the following sections of the Zoning Bylaw:

1. Section 6.3.4 Dedication of Land to the Town of Concord for Municipal or Other Public Uses – Under this Section of the Zoning Bylaw the applicant seeks the Board's approval to: (a) reduce the front, side and rear yard requirements from 50 to 20 feet; and (b) transfer the Floor Area Ratio applicable to Parcel A, which will be dedicated to the Town of Concord for conservation purposes, to Lot 4A so that the gross floor area permitted on Lot 4A will be as follows:

<u>Lot 4A</u>	<u>Permitted Gross Floor Area</u>
▪ Lot 4A 5.79 Acres x 3,000 S.F.	17,370 SF
▪ Transferred from Parcel A <u>5.40 Acres x 3,000 S.F.</u>	<u>16,200 SF</u>
Total Gross Floor Area Permitted on Lot 4A	33,570 SF

While a portion of Lot 4A is located in the Groundwater Conservancy District the lot coverage on Lot 4A will not exceed 35 percent (maximum permitted without relief

under Section 6.3.4 is 35%) as the lot coverage in Phase II is projected to be approximately 31 percent and the proposed gross floor area ratio of 5,798 square feet per acre ($33,570 \text{ SF} \div 5.79 \text{ acres} = 5,798 \text{ SF/acre}$) is permitted in the Groundwater Conservancy District under Section 7.6.4.1. The applicant also notes that the septic system primary leaching area and reserves leaching area on Lot 4A are both located outside the boundaries of the Groundwater Conservancy District.

2. Section 7.5.3 Earth Removal – Under this section of the Zoning Bylaw the applicant seeks the Board's approval to remove 3,000 cubic yards of earth in accordance with Section 7.5.3. In this regard the applicant notes that the volume proposed does not exceed the minimum practical removal required (7.5.3.1), the plans submitted are designed to minimize changes in existing contours to enhance attractive land utilization, effective drainage, suitable road gradients, access and other design considerations (7.5.3.2) and the removal will not be detrimental or injurious to abutters or the neighborhood (7.5.3.3). Also submitted herewith as part of this application are plans meeting the requirements of Section 7.5.4.1. The hours of earth removal operations will be consistent with any requirements or recommendations of Town departments, the trucking route shall be east and/or west along Route 62, and the vehicles used will be those typically used in the transport of such materials on Town roads. Appropriate measures and continuous site monitoring will be maintained to reduce dust and mud on and off site. As the proposed earth removal is a minor aspect of the development of Phase II of Black Birch the applicant requests that no additional bonding be required.
3. Section 11.6 Special Permit – Under this section of the Zoning Bylaw the applicant believes that beneficial impacts to the public interest, the Town and the neighborhood have been clearly established to the extent that the 2017 Annual Town Meeting voted to approve Phase II of Black Birch based upon the recommendations of the Planning Board, Select Board, Finance Committee and Natural Resources Commission.